



**Senator Feinstein Welcomes Plans by Senator McCain  
to Review Lytton Casino Bill**  
February 11, 2005

**Washington, DC** – U.S. Senator Dianne Feinstein (D-Calif.) today welcomed plans by Senator John McCain (R-Ariz.) to hold an Indian Affairs Committee hearing on her bill affecting the Lytton Band of Pomo Indians, who have proposed to build a large, urban casino in the San Francisco Bay Area.

Senator Feinstein has introduced legislation that would require the Lytton Band to undergo the same regulatory oversight process for building a casino as any other tribe that acquired land after October 17, 1988 – the date the Indian Gaming Regulatory Act was enacted.

Senator Feinstein's bill would strike a provision in the 2000 Indian Omnibus Advancement Act – inserted by Congressman George Miller (D-Calif.) – which allows the Lytton Tribe to sidestep gaming requirements in the Indian Gaming Regulatory Act. The provision required the Secretary of Interior to backdate the acquisition of a card club property in San Pablo to October 17, 1988.

If the legislation is approved, the Lytton Band would be required to go through a two-part determination process that requires both the Secretary of Interior and a State's Governor to sign off on plans to build a gaming facility. This process also provides for consultation with local communities and nearby tribes prior to its completion.

The following is the text of a letter by Senator Feinstein to Senator McCain, the new chairman of the Senate's Indian Affairs Committee:

February 11, 2005

The Honorable John McCain  
Chairman  
Senate Committee on Indian Affairs  
836 Hart Senate Office Building  
Washington, DC 20510

Dear John,

I am writing to thank you for your comments yesterday about Indian gaming, and specifically about your willingness to hold a hearing on legislation that I introduced which would require the Lytton Band of Pomo Indians to go through the regular process under federal law prior to gaming on newly acquired lands. I would ask for the opportunity to meet with you soon

to discuss my legislation, and request that you allow me the chance to testify before the Senate Indian Affairs Committee when you hold hearings on the issue.

As you know, the Lytton Gaming Compliance Act (S. 113), which was introduced on January 24, 2005, would ensure that the Lytton tribe follow the appropriate consultative framework established under the Indian Gaming Regulatory Act (IGRA) for gaming on land acquired after the enactment of IGRA. The legislation was necessitated after a small provision was slipped into the Omnibus Indian Advancement Act in December 2000 that required the Secretary of Interior to take a card club and parking lot in the Bay Area into trust for the Lytton tribe and backdate the acquisition to October 17, 1988, or pre-IGRA.

The backdating clause was added solely to allow the Lytton tribe to circumvent IGRA's "two-part determination" process – an important step that requires both Secretarial and Gubernatorial approval and consultation with nearby tribes and local communities. My legislation would simply strike this backdating clause and would in no way affect the trust status of the property or the tribe's right to pursue a casino according to the normal IGRA process.

I have long been concerned about the issue of off-reservation gaming in my state. It is clear to me that when Californians voted overwhelmingly to support Indian gaming with Propositions 5 and 1A, it was with the understanding that casinos would only be permitted "on Indian lands." In addition to dividing many communities, off-reservation gaming has encouraged out-of-state investors to seek out prospective tribes with which to engage in "reservation-shopping" near urban areas and central transit routes. Besides the Lytton example, it is believed that there may be over two dozen off-reservation casinos proposed throughout the state, with at least four that would be sited in the Bay Area alone.

I believe the trend toward off-reservation gaming has been especially hurtful to the majority of tribes who have followed the regular process. Recently, a number of influential tribes in California have come forward to raise concerns about off-reservation gaming and push for legislation to address the problem. And earlier this week, in an unprecedented move, the California Nations Indian Gaming Association (CNIGA), which represents roughly half of the tribes in my state, announced that it was opposing the Lytton casino proposal.

Once again, thank you for your statement yesterday. I hope that we will soon have the chance to discuss the Lytton legislation and the growing concerns in California about off-reservation gaming. I appreciate your attention to the matter and look forward to hearing from you soon.

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